

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 4-6, 11, 16, and 17 have been canceled without prejudice or disclaimer, and claims 1, 7, 9, 12, 15, 18, and 23 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-3, 7-10, 12-15, and 18-23, are pending and under consideration.

In the Office Action, at page 4, item 7, the Examiner indicated that claims 6-8, and 17-22 would be allowable if rewritten in independent form.

Applicants respectfully submit that claim 18 has been rewritten in independent form, and that independent claim 18, as well as claims 19-22, which ultimately depend from independent claim 18, are now allowable.

Additionally, Applicants respectfully submit that the subject matter of claims 4-6 has been incorporated into independent claim 1, and that independent claim 1, as well as claims 2, 3, 7, and 8, which ultimately depend from independent claim 1, are now allowable.

Further, Applicants respectfully submit that the subject matter of claims 11, 12, 16, and 17 has been incorporated into independent claim 9, and that independent claim 9, as well as claims 10, and 12-15, which ultimately depend from independent claim 9, are now allowable.

REJECTION UNDER 35 U.S.C. §102:

In the Office Action, at page 2, item 3, the Examiner rejected claims 1, 2, 3, 9, 10-13, and 23 under 35 U.S.C. §102 (b) as being anticipated by Frohbieter (U.S. Patent No. 4,732,009 – hereinafter Frohbieter). The reasons for the rejections are set forth in the Office Action and therefore not repeated. Applicants traverse these rejections and respectfully request reconsideration.

As noted above, the subject matter of claims 4-6 has been incorporated into independent claim 1, and the subject matter of claims 11, 12, 16, and 17 has been incorporated into independent claim 9. Accordingly, Applicants respectfully submit that independent claims 1 and 9, claims 2, 3, 7, and 8, which ultimately depend from independent claim 1, and claims 10, and 12-15, which ultimately depend from independent claim 9, are now allowable.

Amended, independent claim 23 recites: "...an inlet port channeling the air from the freezer into the temperature controlled chamber; and an intake damper opening and closing the intake port by the flow of air, without an additional drive device."

Applicants respectfully submit that Frohbieter neither discloses nor suggests "...an inlet port channeling the air from the freezer into the temperature controlled chamber; and an intake damper opening and closing the intake port by the flow of air, without an additional drive device," and accordingly, that independent claim 23 patentably distinguishes over the cited art.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action, at page 3, item 5, the Examiner rejected claims 4, 5, and 16 under 35 U.S.C. §103(a) as being unpatentable over Frohbieter in view of Nonaka (U.S. Patent No. 4,689,966 – hereinafter Nonaka). The reasons for the rejections are set forth in the Office Action and therefore not repeated. Applicants traverse these rejections and respectfully request reconsideration.

In the Office Action, at page 3, item 6, the Examiner rejected claims 14 and 15 under 35 U.S.C. §103(a) as being unpatentable over Frohbieter. The reasons for the rejections are set forth in the Office Action and therefore not repeated. Applicants traverse these rejections and respectfully request reconsideration.

As noted above, claims 4, 5, and 16 were cancelled. Additionally, the subject matter of claims 11, 12, 16, and 17 has been incorporated into independent claim 9, and Applicants respectfully submit that independent claim 9, as well as claims 14 and 15, which ultimately depend from independent claim 9, are now allowable, due at least to the Examiner's indicated allowability of claim 17 if rewritten in independent form.

CONCLUSION:

In accordance with the foregoing, Applicants respectfully submit that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the cited art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.


If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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